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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,701	04/03/2000	Gary A. Demos	07314-007001	4037
7590	07/12/2004		EXAMINER	
John F land Fish & Richardson P C 4350 La Jolla Village Drive Suite 500 San Diego, CA 92122			ARANI, TAGHIT	
			ART UNIT	PAPER NUMBER
			2131	
			DATE MAILED: 07/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	S DEMONS, GARY A.
	Examiner Taghi T. Arani	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 0104.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14,31-44 and 61-74 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6,8,9,31-36,38,39,61-66,68 and 69 is/are rejected.
 7) Claim(s) 7,10-14, 37, 40-44, 67, 70-74 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claims 1-14, 31-44, 61-74 are elected for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 31-36, 38-39, 61-66 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haskell et al., U.S. Patent No. 5,742,343, issued April 1998 and further in view of Nakagawa et al., U.S. Patent Appl. Publication No. 2001/0028725, published October 2001.

As per claims 1, 31 and 61, Haskell et al. is directed to a scalable coding of high resolution progressive format video signals whereby a base layer of coding and an enhancement layer of coding are combined to form a new encoded video signal, see col. 1, lines 40-55, see also Fig. 1.

Haskell et al.'s layered data steam encoding/decoding does not employ encryption recited in steps (a)-(c) of claims 1, 31 and 61.

However, Nakagawa et al. is directed to an image encoding apparatus wherein the encoded codes are multiplexed together with information indicating the presence /absence of scrambling (i.e. encryption) and authentication data, see abstract.

Nakagawa et al. teach;

(a) selecting at least one encryption algorithm (page 10, paragraphs 0189, see also Fig. 15, element 1108);

(b) selecting at least one unit of one of the base layer or at least one enhancement layer to encrypt (see page 10, paragraphs 0194-0197); and

(c) applying at least one selected encryption algorithm to encrypt each selected unit into an encrypted unit (see page 10, Paragraph 0197, see also page 4 paragraph 0083-084).

It would have been obvious to one of ordinary skill in the art to modify Haskell et al's layered encoding scheme to incorporate the scrambling (i.e. encryption) feature of Nakagawa et al. for an image signal that requires copyright protection upon encoding an image, see page 2, paragraph 0019 of Nakagawa et al.

As per claims 2, 32 and 62, Haskell et al. as modified teach selecting units to encrypt that will confound decompression or decoding of subsequent units that depend on information in such encrypted units, see page 9, paragraphs 0168-0174, see also page 10, 0190-0196 (Nakagawa et al.).

As per claims 3-6, 33-36, 63-66, Haskell et al. as modified teach wherein at least one selected unit is a multi-frame unit (page 13, paragraphs 0233-0238 of Nakagawa et al.) , a frame unit (page 9, paragraph 0187 of Nakagawa et al.), a sub-frame unit (page 13, paragraphs 0245-0247 of Nakagawa et al.) and at least one selected unit is a distributed unit (page 14, paragraphs 0253-0265 of Nakagawa et al.)

As per claims 8, 38 and 68, Haskell et al. as modified teach decrypting each encrypted unit (see page 13, paragraphs 0239-0241 Nakagawa et al.).

As per claims 9, 39 and 69, Haskell et al. as modified teach decrypting each encrypted unite and decrypting a plurality of encrypted units in parallel (see page 13, paragraph 0244 Nakagawa et al.).

Allowable Subject Matter

Claims 7, 10-14, 37, 40-44, 67, 70-74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from examiner should be directed to Taghi Arani, whose telephone number is (703) 305-4274. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned is:

(703) 872-9306

Taghi Arani

Patent Examiner

6/21/204



AYAZ SHEIKH
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